

Appl. No. : 10/714,237
Filed : November 14, 2003

REMARKS

Claims 1, 4, and 23 have been canceled without prejudice. Claims 5, 6, 21, and 25 have been rewritten in independent form including all of the limitations of a base claim and any intervening claims. Claim 19 has been amended to clarify the invention. Support can be found in Fig. 3, for example. Claims 2, 3, 7, 8, 24, and 26 have been amended to depend from either Claim 5, 21, or 25. Claim 27 has been added. Support can be found in original Claim 6, for example. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection of Claims 1-4, 7, and 8 Under 35 U.S.C. § 102

Claims 1-4, 7, and 8 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Oder. Claims 1 and 4 have been canceled without prejudice. Claims 2, 3, 7, and 8 have been amended to depend from Claim 5 which has not been rejected on this ground. Thus, this rejection is obviated.

Rejection of Claims 19, 20, 23, 24, and 26 Under 35 U.S.C. § 102

Claims 19, 20, 23, 24, and 26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Meshberg. Claim 23 has been canceled without prejudice. Claims 24 and 26 have been amended to depend from Claim 25 which has not been rejected on this ground. Claim 19 has been amended to clarify the invention and should not be anticipated by Meshberg.

Claim 19 as amended herein recites: "a fluid discharge pump for discharging the fluid stored inside said internal container from a nozzle head disposed over said external container by pressing said nozzle head in an axial direction of the fluid discharge pump, wherein the fluid discharge pump and the coupling material is disposed co-axially."

In contrast, in Meshberg, the fluid discharge pump 13 moves in a direction perpendicular to an axis of the coupling material 10. See Fig. 1. Further, in Meshberg, the fluid discharge pump 13 is not capable of discharging the fluid by pressing a nozzle head in an axial direction of the fluid discharge pump. The pump automatically moves according to the pressure difference between the atmosphere and the liquid product (see col. 5, line 41 to col. 6, line 10).

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Thus, Meshberg does not teach each and every element of Claim 19 and could not anticipate Claim 19 and dependent Claim 20.

In view of the foregoing, Applicant respectfully requests withdrawal of this rejection.

Allowable Subject Matter

Claims 5, 6, 9-18, 21, 22, and 25 have been objected to but would be allowable if rewritten in independent form including all of the limitations of a base claim and any intervening claims. Claims 5, 6, 21, and 25 have been so rewritten. Claim 22 depends from Claim 21. Claims 9-18 should not be objected to because original Claim 9 is independent and original Claims 10-18 depend ultimately from Claim 9. Applicant respectfully requests withdrawal of this objection.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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